

**ASSEMBLY BILL**

**No. 621**

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**Introduced by Assembly Member Saldana**

February 25, 2009

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An act to amend Section 23123 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as introduced, Saldana. Vehicles: wireless telephones.

Existing law makes it an infraction for a person to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving, except as otherwise provided.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23123 of the Vehicle Code, as amended
- 2 by Section 2 of Chapter 214 of the Statutes of 2007, is amended
- 3 to read:
- 4 23123. (a) A person shall not drive a motor vehicle while using
- 5 a wireless telephone unless ~~that~~ *the* telephone is specifically
- 6 designed and configured to allow hands-free listening and talking,
- 7 and is used in that manner while driving.

1 (b) A violation of this section is an infraction punishable by a  
2 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
3 (\$50) for each subsequent offense.

4 (c) This section does not apply to a person using a wireless  
5 telephone for emergency purposes, including, but not limited to,  
6 an emergency call to a law enforcement agency, health care  
7 provider, fire department, or other emergency services agency or  
8 entity.

9 (d) This section does not apply to an emergency services  
10 professional using a wireless telephone while operating an  
11 authorized emergency vehicle, as defined in Section 165, in the  
12 course and scope of his or her duties.

13 (e) This section does not apply to a person when using a digital  
14 two-way radio that utilizes a wireless telephone that operates by  
15 depressing a push-to-talk feature and does not require immediate  
16 proximity to the ear of the user, and the person is driving one of  
17 the following vehicles:

18 (1) (A) A motor truck, as defined in Section 410, or a truck  
19 tractor, as defined in Section 655, that requires either a commercial  
20 class A or class B driver's license to operate.

21 (B) The exemption under subparagraph (A) does not apply to  
22 a person driving a pickup truck, as defined in Section 471.

23 (2) An implement of husbandry that is listed or described in  
24 Chapter 1 (commencing with Section 36000) of Division 16.

25 (3) A farm vehicle that is exempt from registration and displays  
26 an identification plate as specified in Section 5014 and is listed in  
27 Section 36101.

28 (4) A commercial vehicle, as defined in Section 260, that is  
29 registered to a farmer and driven by the farmer or an employee of  
30 the farmer, and is used in conducting commercial agricultural  
31 operations, including, but not limited to, transporting agricultural  
32 products, farm machinery, or farm supplies to, or from, a farm.

33 (5) A tow truck, as defined in Section 615.

34 (f) This section does not apply to a person driving a schoolbus  
35 or transit vehicle that is subject to Section 23125.

36 (g) This section does not apply to a person while driving a motor  
37 vehicle on private property.

38 (h) This section shall become operative on July 1, 2008, and  
39 shall remain in effect only until July 1, 2011, and, as of July 1,  
40 2011, is repealed.

1 SEC. 2. Section 23123 of the Vehicle Code, as amended by  
2 Section 3 of Chapter 214 of the Statutes of 2007, is amended to  
3 read:

4 23123. (a) A person shall not drive a motor vehicle while using  
5 a wireless telephone unless ~~that~~ *the* telephone is specifically  
6 designed and configured to allow hands-free listening and talking,  
7 and is used in that manner while driving.

8 (b) A violation of this section is an infraction punishable by a  
9 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
10 (\$50) for each subsequent offense.

11 (c) This section does not apply to a person using a wireless  
12 telephone for emergency purposes, including, but not limited to,  
13 an emergency call to a law enforcement agency, health care  
14 provider, fire department, or other emergency services agency or  
15 entity.

16 (d) This section does not apply to an emergency services  
17 professional using a wireless telephone while operating an  
18 authorized emergency vehicle, as defined in Section 165, in the  
19 course and scope of his or her duties.

20 (e) This section does not apply to a person driving a schoolbus  
21 or transit vehicle that is subject to Section 23125.

22 (f) This section does not apply to a person while driving a motor  
23 vehicle on private property.

24 (g) This section shall become operative on July 1, 2011.